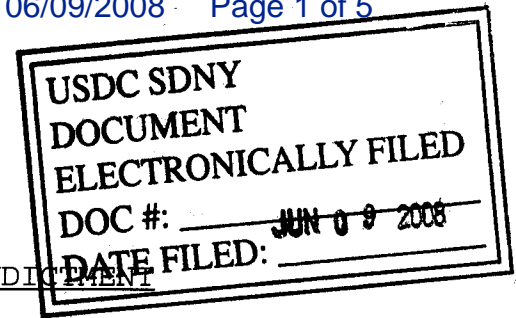


JUDGE JONES



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

08 Cr. ____

DEREK J. RAY, and :
ERIC A. CHABRIER, :

08 CRIM 519

Defendants. :

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COUNT ONE

The Grand Jury charges:

1. On or about May 5, 2008, in the Southern District of New York, DEREK J. RAY and ERIC A. CHABRIER, the defendants, intentionally, and knowingly did possess with intent to distribute a controlled substance, to wit, approximately 99 pills of mixtures and substances containing a detectable amount of 3, 4 methylenedioxymethamphetamine ("MDMA" or "ecstasy").

(Title 21, United States Code, Sections 812, 841(a)(1),
841(b)(1)(C); Title 18, United States Code, Section 2.)

COUNT TWO

The Grand Jury further charges:

2. On or about May 5, 2008, in the Southern District of New York, DEREK J. RAY and ERIC A. CHABRIER, the defendants, unlawfully, intentionally, and knowingly did possess with intent to distribute a controlled substance, to wit, approximately 45 grams of mixtures and substances containing a detectable amount of marijuana.

(Title 21, United States Code, Sections 812, 841(a)(1),
841(b)(1)(D); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about May 5, 2008, in the Southern District of New York, DEREK J. RAY, the defendant, unlawfully, willfully and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics offenses charged in Counts One and Two of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, to wit, a .9 mm Luger semi-automatic pistol, along with a clip containing 8 bullets, which the defendant carried and possessed in the vicinity of 1709 Jerome Avenue, Bronx, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about May 5, 2008, in the Southern District of New York, ERIC A. CHABRIER, the defendant, unlawfully, willfully and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics offenses charged in Counts One and Two of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, to wit, a loaded Davis Industries 22 caliber handgun with a defaced serial number, which the defendant

carried and possessed in the vicinity of 1709 Jerome Avenue, Bronx, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Counts One and Two of this Indictment, DEREK J. RAY and ERIC A. CHABRIER, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to, the following: (a) a sum of money representing the amount of proceeds obtained as the result of the offense, conspiracy to distribute a controlled substance; (b) all rights, titles and interest of RAY in one 1990 Honda Accord with Vehicle Identification Number JHMCB7560LC110903; (c) all rights, titles and interest of RAY in a .9 mm Luger semi-automatic pistol bearing serial number P1402675; (d) all rights, titles and interest of CHABRIER in a Davis Industries 22 caliber handgun sealed by the police with the number 318434.

Substitute Assets Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

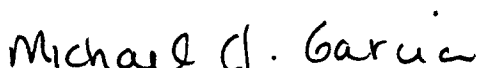
(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DEREK J. RAY and
ERIC A. CHABRIER,

Defendants.

INDICTMENT

08 Cr. ____

(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(C), 841(b)(1)(D);
18 U.S.C. §§ 924(c)(1)(A), 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Jim Lora

Foreperson.

INDICTMENT FILED.

FOX, M.J.

06/09/08
[Signature]